

United States District Court

AUG 26 2016

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

q v.

Juan Alberto Salinas

PRINCIPAL

YOB: 1973

United States Citizen

CRIMINAL COMPLAINT

Case Number:

M-16-1586-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 24, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

^{GUSTO JMC}
knowing or in reckless disregard of the fact ~~Justo~~ ^{Justo} Domingo Say-Ramirez and Miguel Ramos-Bareno, both nationals of Guatemala, who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Madero, Texas to the point of arrest near Madero, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On August 24, 2016, at approximately 3:50 p.m., Border Patrol Agent C. Vargas, witnessed a silver Chevrolet Cruze driving at a high rate of speed on Mayberry Road toward the levee and turn left toward La Lomita Park. La Lomita Park is located south of Mission in a community named Madero, Texas.

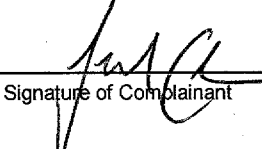
Agent Vargas, who was driving east on the levee, attempted to catch up to the Chevrolet Cruze, but a white F-150, which was also travelling east on the levee, slowed down and purposely blocked Agent Vargas' path to the Chevrolet Cruze. Agent Vargas honked his horn and attempted to go around the F-150, but the driver again blocked his path by maneuvering his truck in front of the agent's unit.

The driver of the F-150 blocked the agent's attempt several times. As this was taking place, Agent Vargas was able to see ahead of him as four people exited the brush in La Lomita Park and boarded the Chevrolet Cruze.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

Jon M. Chan Senior Patrol Agent

Printed Name of Complainant

August 26, 2016

Date

at McAllen, Texas

City and State

Peter E. Ormsby

U. S. Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer


Approval Joseph Leonach

Sworn to before me and subscribed in my presence,

4:19 pm

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

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RE: Juan Alberto Salinas

CONTINUATION:

The Chevrolet Cruze then exited La Lomita Park at a high rate of speed, travelled on the levee, and then travelled north on Mayberry. The driver of the F-150 was able to follow in behind the Chevy due to the fact that he was blocking the agent's only road to exit the levee.

Agent Vargas notified surrounding agents of what was going on, while the F-150 continued to block Agent Vargas' path to the Chevrolet Cruze. The driver of the F-150 only yielded to the agent, after the agent pulled up next to him and yelled at him through the window.

When the Chevrolet Cruze reached FM494, which was approximately 400 yards from the levee, Border Patrol Agent R. Rivera caught up to the vehicle and conducted a traffic stop. The Chevrolet Cruze came to a stop on Military Hwy. Before Agent Rivera was able to approach the vehicle, four people absconded into the brush adjacent to Military Hwy, in Madero, Texas. Agents searched the area, but were not able to find anyone.

The driver, who remained in the vehicle, was identified as Juan Alberto SALINAS. SALINAS was read his rights on scene. He gave agents conflicting accounts of what took place, to include blaming the agents for the people jumping into his vehicle.

The driver of the F-150 was stopped and was found to be SALINAS' juvenile son.

DPS Trooper McKenzie arrived on scene and cited both SALINAS and his son for no license.

SALINAS and his son were transported to the McAllen Border Patrol Station for processing.

Later the same day, at approximately 8:50 pm, K-9 Border Patrol Agent G. Gonzalez, driving an unmarked unit, witnessed several people run out of the brush and board a blue Toyota Camry. This took place near the same area where agents saw people bail out of the Chevrolet Cruz earlier in the day.

DPS Trooper McKenzie attempted to stop the Camry at Border Patrol's request, but the driver failed to yield. The driver led DPS on a short chase ending in La Lomita Park, the same place where agents had initially seen people boarding the Chevrolet Cruze earlier in the day.

The driver and three other people fled the Camry. Agents apprehended the driver and two illegal alien passengers. All three people were transported to the McAllen Station for processing.

At the station, through interviews, it was discovered that the two illegal alien passengers in the Camry were part of the group that absconded from the Chevrolet Cruze earlier in the day.

NOTE: SALINAS was the driver of a 2 on 2 Administrative Smuggling Case in 2006, and was not prosecuted at that time.

Additionally, prosecution of the driver of the Blue Camry was declined at this time.

Principal Statement:

At the scene, Juan Alberto SALINAS, a United States Citizen, was read his Miranda Rights, stated he understood his rights and agreed to answer questions without the presence of an attorney.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
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CONTINUATION:

SALINAS gave several conflicting stories and blamed Border Patrol for allowing him to drive towards the levee and pick up the subjects.

At the McAllen Border Patrol Station, Juan Alberto SALINAS, a United States Citizen, was read his Miranda Rights, stated he understood his rights and agreed to answer questions without the presence of an attorney.

SALINAS stated he was fully aware the subjects he picked up were illegal aliens. SALINAS claimed he was not going to get paid and agreed to pick up the illegal aliens as a favor for a friend. SALINAS stated he would provide additional information regarding alien smuggling and stash houses with the agreement his son would not be charged with alien smuggling. Due to SALINAS' demand no further questions were asked.

Material Witness Statements:

Gusto SAY-Ramirez and Miguel RAMOS-Bareno, both citizens and nationals of Guatemala, were read their Miranda Rights, stated they understood their rights and agreed to answer questions without the presence of an attorney.

Material Witness 1:

SAY stated he crossed the river on a raft and was guided north to a brushy area with three other people. SAY claimed the guide kept in contact with someone on the phone who told them a vehicle was going to pick the group up. A silver four door car arrived, the driver stopped and signaled the group to get in. SAY stated the guide also instructed the group to board the silver car. Shortly after boarding the silver car, SAY stated Border Patrol attempted to pull the silver car over and the driver told the group to stay or run if they wanted to. The group exited the vehicle and ran into the sugar cane field.

SAY claimed his group hid in the sugar cane until someone in his group contacted the smuggler and arranged for another vehicle to pick them up. A blue four door car arrived and gave the group a signal to board the vehicle. SAY stated the driver was on the phone when law enforcement attempted to pull them over. SAY claimed the driver told them that they were caught and to hold on. The driver attempted to get away from law enforcement then jumped out of the moving vehicle. SAY remained in the vehicle until law enforcement arrived.

SAY positively identified Juan Alberto SALINAS through a photo lineup as the driver of the silver four door car.

Material Witness 2:

RAMOS claimed an unknown smuggler used a jet ski to cross him over the river. RAMOS stated his group followed one guide until boarding a vehicle. Shortly after boarding, Border Patrol pulled over the vehicle. RAMOS stated the driver told the group to stay or run if they wanted to. The group exited the vehicle and ran into the sugar cane field.

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CONTINUATION:

RAMOS stated someone in the group contacted the smuggler who informed them to get closer to the road and a blue vehicle would pick them up. A blue four door car arrived and told the group to get in. RAMOS claimed the driver was on the phone when law enforcement attempted to pull the blue car over. The driver told the person he was on the phone with that he had been caught and he was heading back to the river. RAMOS stated the driver then told the group to make sure they have their seat belts on and attempted to get away from law enforcement. The driver exited the moving vehicle while RAMOS remained inside until law enforcement arrived.

RAMOS was not able to identify the driver of the first vehicle.